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PITNEY BOWES INC.  
35 WATERVIEW DRIVE  
P.O. BOX 3000  
MSC 26-22  
SHELTON, CT 06484-8000

EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/748,889  
Filing Date: December 27, 2000  
Appellant(s): RYAN ET AL.

\_\_\_\_\_  
Brian A. Lemm, Reg. No. 43,748  
PITNEY BOWES, INC.  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed April 7, 2008 appealing from the Office action mailed January 14, 2008.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

5,917,925	Moore	07-1999
5,280,531	Hunter	01-1994

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-5 and 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter (US 5,280,531) in view of Moore (US 5,917,925).

Hunter discloses a mail piece verification system for processing a mail piece in a path of travel, the mail piece having associated therewith mail piece data (e.g. col 1 ln 51-68, col 2 ln 3-24), the system comprising: an incoming mail processing center for receiving the mail piece and obtaining the mail piece data at an outgoing mail processing center located downstream in the path of travel from the incoming mail processing center, (col 1 ln 51-68, col 2 ln 3-24, col 3 ln 49-col 4 ln 17, col 4 ln 26-42); and a data center in operative communication with the incoming mail processing center and the outgoing mail processing center; and wherein: the incoming mail processing center uploads the mail piece data to the data center; the data center performing a verification check on the mail piece data and downloading instructions based upon the verification check to the outgoing mail processing center and the outgoing mail processing center uses the instructions to control operation of at least one of the mail processing machines located at the outgoing mail processing center to process the mail piece an incoming mail processing center including a plurality of mail processing machines that perform automated processing of mail pieces (col 4 ln 53-68, col 5 ln 1-44, col 7 ln 1-7). Note that in Hunter, at column 1, lines 51-68; column 2, lines 3-24; column 3, line 49, through column 4, line 17; column 4, lines 26-42, the data center would be wherever the data processing system is located; account files include expenditure file and refill file; data center can hold information corresponding to a

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plurality of meters. Further, (column 1, lines 51-68; column 2, lines 3-24; column 3, line 49, through column 4, line 17; column 4, lines 26-42; column 4, lines 53-68; column 5, lines 1-44; column 7, lines 1-7; wherein a verification check is conducted and instructions are generated according to the results of the verification check.

Further, we note, firstly, with respect to “wherein ‘the incoming mail processing center uploads the mail piece data to the data center; the data center performs a verification check on the mail piece data and downloads instructions based upon the verification check to the outgoing mail processing center; and the outgoing mail processing center uses the instructions to control operation of at least one of the mail processing machines located at the outgoing mail processing center to process the mail piece’”, that while features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997) (The absence of a disclosure in a prior art reference relating to function did not defeat the Board’s finding of anticipation of claimed apparatus because the limitations at issue were found to be inherent in the prior art reference); see also *In re Swinehart*, 439 F.2d 210, 212-13, 169 USPQ 226, 228-29 (CCPA 1971); *In re Danly*, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). *Hewlett-Packard Co. v. Bausch & Lomb Inc.*, 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990) (emphasis in original). In this case we note that a “system is an apparatus.” *Ex parte Fressola* 27 USPQ2d 1608, 1611 (B.P.A.I. 1993) (citations omitted). Additionally, “[c]laims in apparatus form conventionally fall into the 35 U.S.C.

§101 statutory category of a ‘machine.’” *Ex parte Donner*, 53 USPQ2d 1699, 1701 (B.P.A.I.1999)(unpublished), (Paper No. 34, page 5, issued as U.S. Patent 5,999,907). Therefore, it is the Examiner’s position that Applicant’s system claims are “product,” “apparatus,” or more specifically, “machine” claims. Further, everything following the “wherein” clause in claim 1 is functional language, in other words, what the system or apparatus does, rather than what it is. The said functional language will not server to differentiate the apparatus from the prior art. Additionally, a wherein clause that merely states the result of the limitations in the claim adds nothing to the patentability or substance of the claim. (*Texas Instruments Inc. v. International Trade Commission*, 26 USPQ2d 1010 (Fed. Cir. 1993); *Griffin v. Bertina*, 62 USPQ2d 1431 (Fed. Cir. 2002); *Amazon.com Inc. v. Barnesandnoble.com Inc.*, 57 USPQ2d 1747 (CAFC 2001).

Hunter does not disclose having the outgoing mail processing center including a plurality of mail processing machines that perform automated processing of mail pieces. Moore, however, does (e.g. col 9 ln 59-col 11 ln 19, col 24 ln 21-col 25 ln 17). It would have been obvious to one of ordinary skill in the art to modify the invention of Hunter as disclosed by Moore. Moore provides motivation in that receiving such mail piece data allows for the marking and tracking of mail pieces throughout the entire processing and delivery system (e.g. col 9 ln 59-col 11 ln 19, col 24 ln 21 – col 25 ln 17).

Regarding claims 2, 9, and 12 –

Hunter discloses wherein the incoming mail processing center performs a preliminary check on the mail piece data that is different from the verification check performed by

the data center; and the verification check includes cryptographic calculations to determine whether or not the mail piece data is valid (e.g. col 2 ln 56-65).

Examiner further notes that while features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997) (The absence of a disclosure in a prior art reference relating to function did not defeat the Board's finding of anticipation of claimed apparatus because the limitations at issue were found to be inherent in the prior art reference); see also *In re Swinehart*, 439 F.2d 210, 212-13, 169 USPQ 226, 228-29 (CCPA 1971); *In re Danly*, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). *Hewlett-Packard Co. v. Bausch & Lomb Inc.*, 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990) (emphasis in original). In this case we note that a "system is an apparatus." *Ex parte Fressola* 27 USPQ2d 1608, 1611 (B.P.A.I. 1993) (citations omitted). Additionally, "[c]laims in apparatus form conventionally fall into the 35 U.S.C. §101 statutory category of a 'machine.'" *Ex parte Donner*, 53 USPQ2d 1699, 1701 (B.P.A.I.1999)(unpublished), (Paper No. 34, page 5, issued as U.S. Patent 5,999,907). Therefore, it is the Examiner's position that Applicant's system claims are "product," "apparatus," or more specifically, "machine" claims. Further, everything following the "wherein" clause in claim 1 is functional language, in other words, what the system or apparatus does, rather than what it is. The said functional language will not server to differentiate the apparatus from the prior art. Additionally, a wherein clause that merely states the result of the limitations in the claim adds nothing to the patentability or

substance of the claim. (*Texas Instruments Inc. v. International Trade Commission*, 26 USPQ2d 1010 (Fed. Cir. 1993); *Griffin v. Bertina*, 62 USPQ2d 1431 (Fed. Cir. 2002); *Amazon.com Inc. v. Barnesandnoble.com Inc.*, 57 USPQ2d 1747 (CAFC 2001).

Regarding claim 3, 10, 14 –

Hunter discloses wherein the preliminary check includes a check to confirm that the mail piece data includes at least one of the following: (i) recognition of a valid meter serial number; (ii) a posting date within an acceptable range; and (iii) a valid recipient address; and the verification check further includes a duplicate detection analysis to determine whether or not the mail piece data has been fraudulently copied (e.g. col 2 ln 58-62). In Hunter a verification check is conducted for fraud analysis. It would be obvious to one of ordinary skill in the art that duplicate check would be included herein, since duplicate indicia indicate something is going wrong. Further, *KSR* forecloses Appellant's argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

Regarding claims 4, 7, and 13 –

Moore discloses wherein the system uses the mail piece data to determine a delivery route for the mail piece; the outgoing mail processing center represents a particular one of a plurality of outgoing mail processing centers that corresponds to the delivery route; and the data center limits the download of the instructions to the particular one of the plurality of outgoing mail processing centers (e.g. col 13 ln 30-55).

As above, it would have been obvious to one of ordinary skill in the art to modify the invention of Hunter as disclosed by Moore. Moore provides motivation in that



receiving such mail piece data allows for the marking and tracking of mail pieces throughout the entire processing and delivery system (e.g. col 9 ln 59-col 11 ln 19, col 24 ln 21 – col 25 ln 17). Further, attention is directed to Moore, wherein “The present invention ensures that authentic goods are routed to the correct destination.” (col 14 ln 5-10). Also, Moore uses the markings and indicia to determine whether mail pieces are correctly routed, and it follows to route them correctly if they are not. (col 13 ln 30-40). As above, *KSR* forecloses Appellant’s argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

Regarding claims 5, 8, and 11 –

Hunter discloses determining a service class for the mail piece; and the system uses the service class to establish a priority for the upload of mail piece data from the incoming mail processing center to the data center and the download of instructions from the data center to the outgoing mail processing center (e.g. fig 2, col 5 ln 54-63). We note that claim 5 is dependent on claim 4 and claim 8 is dependent on 7. Thus, in Moore “The present invention ensures that authentic goods are routed to the correct destination.” (col 14 ln 5-10). Also, Moore uses the markings and indicia to determine whether mail pieces are correctly routed, and it follows to route them correctly if they are not. (col 13 ln 30-40). Then in Hunter, where indicia are used to determine if postage is correct for a class, at col 5 ln 43-63, it follows that class is being determined. The combination of Hunter and Moore would yield using the mail piece data to determine a service class to establish a priority for the upload of mail piece data and the download of instructions to the outgoing mail processing centers.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter (US 5,280,531) in view of Moore (US 5,917,925)

Regarding claim 6 –

Moore discloses wherein a mailpiece has markings or numbers which include identification of the individual mailpiece. (col 17 ln1-5). This is the equivalent of a serial number for each mailpiece.

Claims 15-31 are rejected under the same criteria as above.

With respect specifically to claim 15, Examiner notes that Hunter discloses a mail piece verification system for processing a mail piece in a path of travel, the mail piece having associated therewith mail piece data (e.g. col 1 ln 51-68, col 2 ln 3-24), the system comprising: an incoming mail processing center for receiving the mail piece and obtaining the mail piece data at an outgoing mail processing center located downstream in the path of travel from the incoming mail processing center, (col 1 ln 51-68, col 2 ln 3-24, col 3 ln 49-col 4ln17, col 4 ln 26-42); and a data center in operative communication with the incoming mail processing center and the outgoing mail processing center; and wherein: the incoming mail processing center uploads the mail piece data to the data center; the data center performing a verification check on the mail piece data and downloading instructions based upon the verification check to the outgoing mail processing center and the outgoing mail processing center uses the instructions to control operation of at least one of the mail processing machines located at the outgoing mail processing center to process the mail piece an incoming mail processing center including a plurality of mail processing machines that perform automated processing of

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mail pieces (col 4 ln 53-68, col 5 ln 1-44, col 7 ln 1-7). Note that Hunter, at column 1, lines 51-68; column 2, lines 3-24; column 3, line 49, through column 4, line 17; column 4, lines 26-42; data center would be wherever the data processing system is located; account files include expenditure file and refill file; data center can hold information corresponding to a plurality of meters. Further, (column 1, lines 51-68; column 2, lines 3-24; column 3, line 49, through column 4, line 17; column 4, lines 26-42; column 4, lines 53-68; column 5, lines 1-44; column 7, lines 1-7; wherein a verification check is conducted and instructions are generated according to the results of the verification check.

#### **(10) Response to Argument**

##### ***First Issue***

Appellants argue, regarding claims 1-5 and 7-14, that there is no “disclosure, teaching or suggestion in either Hunter or Moore, alone or in combination, of a mail piece verification system for processing a mail piece that comprises an outgoing mail processing center located downstream in the path of travel from the incoming mail processing center, the outgoing mail processing center including a plurality of mail processing machines that perform automated processing of mail pieces; and a data center in operative communication with the incoming mail processing center and the outgoing mail processing center wherein the incoming mail processing center uploads the mail piece data to the data center; the data center performs a verification check on the mail piece data and downloads instructions based upon the verification check to the outgoing mail processing center; and the outgoing mail processing center uses the

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instructions to control operation of at least one of the mail processing machines located at the outgoing mail processing center to process the mail piece as is recited in claim 1.”

Examiner respectfully disagrees and directs attention to the following:

Firstly, we note that Hunter discloses a mail piece verification system for processing a mail piece (“analysis of postal indicia printed by a postage meter” (col 2 ln 6)) in a path of travel (“path of travel” = “conventional transport system” (col 2 ln 49)), the mail piece having associated therewith mail piece data, the system comprising: an incoming mail processing center for receiving the mail piece and obtaining the mail piece data (“postal indicia is scanned by OCR system (col 2 ln 55-60)), the incoming mail processing center including a plurality of mail processing machines that perform automated processing of mail pieces (“incorporated into . . . facer-cancellers” (col 2 ln 54-55)); a data center in operative communication with the incoming mail processing center and the outgoing mail processing center (Hunter, at column 1, lines 51-68; column 2, lines 3-24; column 3, line 49, through column 4, line 17; column 4, lines 26-42, data center would be wherever the data processing system is located; account files include expenditure file and refill file; data center can hold information corresponding to a plurality of meters); the data center performs a verification check on the mail piece data and downloads instructions based upon the verification check to the outgoing mail processing center (Hunter “Tests to determine . . . if ... valid for this system (col 5 ln 50-55) ”if . . . not recognized . . . diverts mail piece by asserting a control signal (col 5 ln 64-68)); and the outgoing mail processing center uses the instructions to control operation of at least one

of the mail processing machines located at the outgoing mail processing center to process the mail piece (Hunter “activate diverter mechanism on output” (col 5 ln 68)).

Secondly, with respect to “wherein ‘the incoming mail processing center uploads the mail piece data to the data center; the data center performs a verification check on the mail piece data and downloads instructions based upon the verification check to the outgoing mail processing center; and the outgoing mail processing center uses the instructions to control operation of at least one of the mail processing machines located at the outgoing mail processing center to process the mail piece’”, that while features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997) (The absence of a disclosure in a prior art reference relating to function did not defeat the Board’s finding of anticipation of claimed apparatus because the limitations at issue were found to be inherent in the prior art reference); see also *In re Swinehart*, 439 F.2d 210, 212-13, 169 USPQ 226, 228-29 (CCPA 1971); *In re Danly*, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). *Hewlett-Packard Co. v. Bausch & Lomb Inc.*, 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990) (emphasis in original). In this case we note that a “system is an apparatus.” *Ex parte Fressola* 27 USPQ2d 1608, 1611 (B.P.A.I. 1993) (citations omitted). Additionally, “[c]laims in apparatus form conventionally fall into the 35 U.S.C. §101 statutory category of a ‘machine.’” *Ex parte Donner*, 53 USPQ2d 1699, 1701 (B.P.A.I.1999)(unpublished), (Paper No. 34, page 5, issued as U.S. Patent 5,999,907). Therefore, it is the Examiner’s position that

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Applicant's system claims are "product," "apparatus," or more specifically, "machine" claims. Further, everything following the "wherein" clause in claim 1 is functional language, in other words, what the system or apparatus does, rather than what it is. The said functional language will not server to differentiate the apparatus from the prior art. Additionally, a wherein clause that merely states the result of the limitations in the claim adds nothing to the patentability or substance of the claim. (*Texas Instruments Inc. v. International Trade Commission*, 26 USPQ2d 1010 (Fed. Cir. 1993); *Griffin v. Bertina*, 62 USPQ2d 1431 (Fed. Cir. 2002); *Amazon.com Inc. v. Barnesandnoble.com Inc.*, 57 USPQ2d 1747 (CAFC 2001).

As noted, Hunter does not disclose having the outgoing mail processing center including a plurality of mail processing machines that perform automated processing of mail pieces. Moore, however, does (e.g. col 9 ln 59-col 11 ln 19, col 24 ln 21-col 25 ln 17). In Moore: the "control computer cooperates with a plurality of host computers through a modem" (at col 10 ln 25-27). It would have been obvious to one of ordinary skill in the art to modify the invention of Hunter as disclosed by Moore. Moore provides motivation in that receiving such mail piece data allows for the marking and tracking of mail pieces throughout the entire processing and delivery system (e.g. col 9 ln 59-col 11 ln 19, col 24 ln 21 – col 25 ln 17).

### ***Second Issue***

Appellants argue, regarding claims 4, 7, and 13, that nothing in the cited references discloses, teaches, or suggests "the additional limitations of the system using the mail piece data to determine a delivery route for the mail piece; the outgoing

mail processing center represents a particular one of a plurality of outgoing mail processing centers that corresponds to the delivery route; and the data center limits the download of the instructions to the particular one of a plurality of outgoing mail processing centers.”

Examiner respectfully disagrees and directs attention to Moore, wherein “The present invention ensures that authentic goods are routed to the correct destination.” (col 14 ln 5-10). Also, Moore uses the markings and indicia to determine whether mail pieces are correctly routed, and it follows to route them correctly if they are not. (col 13 ln 30-40. Also, *KSR* forecloses Appellant’s argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

### ***Third Issue***

Appellants argue, regarding claims 5, 8, and 11, that nothing in the cited references discloses, teaches, or suggests “the additional limitations of the system using the mail piece data to determine a service class for the mail piece; and the system using the service class to establish a priority for the upload of mail piece data from the incoming mail processing center to the data center and the download of instructions from the data center to the outgoing mail processing center.”

Examiner respectfully disagrees and directs attention to Hunter which discloses determining a service class for the mail piece; and the system uses the service class to establish a priority for the upload of mail piece data from the incoming mail processing center to the data center and the download of instructions from the data center to the outgoing mail processing center (e.g. fig 2, col 5 ln 43-63, wherein the “system 40 tests

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to determine if the postage amount is recognized as a valid amount; that is, is valid for that class of mail and is legible.” (col 5 ln 55-60) Thus, it is obvious that the system is Moore must be identifying the class of a mailpiece.). We note that claim 5 is dependent on claim 4 and claim 8 is dependent on 7. Thus, in Moore, the “present invention ensures that authentic goods are routed to the correct destination.” (col 14 ln 5-10). Also, Moore uses the markings and indicia to determine whether mail pieces are correctly routed, and it follows to route them correctly if they are not. (“correctly routed” col 13 ln 30-41). Then in Hunter, where indicia are used to determine if postage is correct for a class, ( see above, at col 5 ln 43-63), it follows that class is being determined. The combination of Hunter and Moore would yield using the mail piece data to determine a service class to establish a priority for the upload of mail piece data and the download of instructions to the outgoing mail processing centers. Also, *KSR* forecloses Appellant’s argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

#### ***Fourth Issue***

Appellants argue, regarding claim 15, that nothing in the cited references discloses, teaches, or suggests “obtaining mail piece data associated with a mail piece using at least one of a plurality of mail processing machines that perform automated processing of mail pieces, the plurality of mail processing machines being located at an incoming mail processing center; uploading the mail piece data to a data center; performing a verification check on the mail piece data; downloading instructions based upon the verification check to an outgoing mail processing center located downstream



in a path of travel from the incoming mail processing center, the outgoing mail processing center including a plurality of mail processing machines that perform automated processing of mail pieces; and using the instructions to control operation of at least one of the plurality of mail processing machines at the outgoing mail processing center to process the mail piece.”

Examiner respectfully disagrees. Hunter discloses a mail piece verification system for processing a mail piece in a path of travel, the mail piece having associated therewith mail piece data (e.g. col 1 ln 51-68, col 2 ln 3-24), the system comprising: an incoming mail processing center for receiving the mail piece and obtaining the mail piece data at an outgoing mail processing center located downstream in the path of travel from the incoming mail processing center, (col 1 ln 51-68, col 2 ln 3-24, col 3 ln 49-col 4ln17, col 4 ln 26-42); and a data center in operative communication with the incoming mail processing center and the outgoing mail processing center; and wherein: the incoming mail processing center uploads the mail piece data to the data center; the data center performing a verification check on the mail piece data and downloading instructions based upon the verification check to the outgoing mail processing center and the outgoing mail processing center uses the instructions to control operation of at least one of the mail processing machines located at the outgoing mail processing center to process the mail piece an incoming mail processing center including a plurality of mail processing machines that perform automated processing of mail pieces (col 4 ln 53-68, col 5 ln 1-44, col 7 ln 1-7). Note that Hunter discloses, at column 1, lines 51-68; column 2, lines 3-24; column 3, line 49, through column 4, line 17; column 4, lines 26-

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42; where a data center would be wherever the data processing system is located; account files include expenditure file and refill file; data center can hold information corresponding to a plurality of meters. Further, Hunter discloses (column 1, lines 51-68; column 2, lines 3-24; column 3, line 49, through column 4, line 17; column 4, lines 26-42; column 4, lines 53-68; column 5, lines 1-44; column 7, lines 1-7) wherein a verification check is conducted and instructions are generated according to the results of the verification check.

Hunter, as noted in the previous action, does not disclose having the outgoing mail processing center including a plurality of mail processing machines that perform automated processing of mail pieces. Moore, however, does (e.g. col 9 ln 59-col 11 ln 19, col 24 ln 21-col 25 ln 17). It would have been obvious to one of ordinary skill in the art to modify the invention of Hunter as disclosed by Moore. Moore provides motivation in that receiving such mail piece data allows for the marking and tracking of mail pieces throughout the entire processing and delivery system (e.g. col 9 ln 59-col 11 ln 19, col 24 ln 21 – col 25 ln 17).

### ***Fifth Issue***

Appellants argue, regarding claim 17, 21, and 26, that nothing in the cited references discloses, teaches or suggests “the additional limitations of using the mail piece data to determine a delivery route for the mail piece; and limiting the download of the instructions to a particular one of a plurality of outgoing mail processing centers that corresponds to the delivery route.”

Examiner respectfully disagrees and directs attention to Moore, wherein “The present invention ensures that authentic goods are routed to the correct destination.” (col 14 ln 5-10). Also, Moore uses the markings and indicia to determine whether mail pieces are correctly routed, and it follows to route them correctly if they are not. (col 13 ln30-40. Also, *KSR* forecloses Appellant’s argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

***Sixth Issue***

Appellants argue, regarding claims 18, 22, and 24, that nothing in the cited references discloses, teaches or suggests “the additional limitations of using the mail piece data to determine a service class for the mail piece; and using the service class to establish a priority for the upload of mail piece data from the incoming mail processing center to the data center and the download of instructions from the data center to the outgoing mail processing center.”

Examiner respectfully disagrees and directs attention to Hunter which discloses determining a service class for the mail piece; and the system uses the service class to establish a priority for the upload of mail piece data from the incoming mail processing center to the data center and the download of instructions from the data center to the outgoing mail processing center (e.g. fig 2, col 5 ln 43-63, wherein the “system 40 tests to determine if the postage amount is recognized as a valid amount; that is, is valid for that class of mail and is legible.” (col 5 ln 55-60) Thus, it is obvious that the system is Moore must be identifying the class of a mailpiece.). We note that claim 5 is dependent on claim 4 and claim 8 is dependent on 7. Thus, in Moore, the “present invention

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ensures that authentic goods are routed to the correct destination.” (col 14 ln 5-10).

Also, Moore uses the markings and indicia to determine whether mail pieces are correctly routed, and it follows to route them correctly if they are not. (“correctly routed” col 13 ln 30-41). Then in Hunter, where indicia are used to determine if postage is correct for a class, ( see above, at col 5 ln 43-63), it follows that class is being determined. The combination of Hunter and Moore would yield using the mail piece data to determine a service class to establish a priority for the upload of mail piece data and the download of instructions to the outgoing mail processing centers. Also, *KSR* forecloses Appellant’s argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

### ***Seventh Issue***

Appellants argue, regarding claim 27, that nothing in the cited references discloses, teaches or suggests "receiving the mail piece data from a remotely located incoming mail processing center, the mail piece data being obtained by at least one of a plurality of mail processing machines that perform automated processing of mail pieces located at the incoming mail processing center; performing a verification check on the mail piece data; downloading instructions for processing the mail piece, the instructions being based upon the verification check, to an outgoing mail processing center located downstream in a path of travel from the incoming mail processing center, the outgoing mail processing center including a plurality of mail processing machines that perform automated processing of mail pieces; and using the instructions to control operation of

at least one of the plurality of mail processing machines located at the outgoing mail processing center to process the mail piece."

Examiner respectfully disagrees and directs attention to the following:

Firstly, we note that Hunter discloses a mail piece verification system for receiving and processing a mail piece ("analysis of postal indicia printed by a postage meter" (col 2 ln 6)) in a path of travel ("path of travel" = "conventional transport system" (col 2 ln 49)), the mail piece having associated therewith mail piece data, the system comprising: an incoming mail processing center for receiving the mail piece and obtaining the mail piece data ("postal indicia is scanned by OCR system (col 2 ln 55-60)), the incoming mail processing center including a plurality of mail processing machines that perform automated processing of mail pieces ("incorporated into . . . facer-cancellers" (col 2 ln 54-55)); a data center in operative communication with the incoming mail processing center and the outgoing mail processing center (Hunter, at column 1, lines 51-68; column 2, lines 3-24; column 3, line 49, through column 4, line 17; column 4, lines 26-42, data center would be wherever the data processing system is located; account files include expenditure file and refill file; data center can hold information corresponding to a plurality of meters); the data center performs a verification check on the mail piece data and downloads instructions based upon the verification check to the outgoing mail processing center (Hunter "Tests to determine . . . if ... valid for this system (col 5 ln 50-55) "if . . . not recognized . . . diverts mail piece by asserting a control signal (col 5 ln 64-68)); and the outgoing mail processing center uses the instructions to control operation of at least one of the mail processing machines located at the outgoing mail processing

center to process the mail piece (Hunter “activate diverter mechanism on output” (col 5 ln 68)).

As noted, Hunter does not disclose having the outgoing mail processing center including a plurality of mail processing machines that perform automated processing of mail pieces. Moore, however, does (e.g. col 9 ln 59-col 11 ln 19, col 24 ln 21-col 25 ln 17). In Moore: the “control computer cooperates with a plurality of host computers through a modem” (at col 10 ln 25-27). It would have been obvious to one of ordinary skill in the art to modify the invention of Hunter as disclosed by Moore. Moore provides motivation in that receiving such mail piece data allows for the marking and tracking of mail pieces throughout the entire processing and delivery system (e.g. col 9 ln 59-col 11 ln 19, col 24 ln 21 – col 25 ln 17).

### ***Eighth Issue***

Appellants argue, regarding claim 29, that nothing in the cited references discloses, teaches or suggests “the additional limitations of using the mail piece data to determine a delivery route for the mail piece; and limiting the download of the instructions to a particular one of a plurality of outgoing mail processing centers that corresponds to the delivery route.”

Examiner respectfully disagrees and directs attention to Moore, wherein “The present invention ensures that authentic goods are routed to the correct destination.” (col 14 ln 5-10). Also, Moore uses the markings and indicia to determine whether mail pieces are correctly routed, and it follows to route them correctly if they are not. (col 13

In30-40. Also, *KSR* forecloses Appellant's argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

### ***Ninth Issue***

Appellants argue, regarding claim 30, that nothing in the cited references discloses, teaches or suggests "the additional limitations of using the mail piece data to determine a service class for the mail piece; and using the service class to establish a priority for the download of instructions to a particular one of a plurality of outgoing mail processing centers that corresponds to the delivery route."

Examiner respectfully disagrees and directs attention to Hunter which discloses determining a service class for the mail piece; and the system uses the service class to establish a priority for the upload of mail piece data from the incoming mail processing center to the data center and the download of instructions from the data center to the outgoing mail processing center (e.g. fig 2, col 5 ln 43-63, wherein the "system 40 tests to determine if the postage amount is recognized as a valid amount; that is, is valid for that class of mail and is legible." (col 5 ln 55-60) Thus, it is obvious that the system is Moore must be identifying the class of a mailpiece.). We note that claim 5 is dependent on claim 4 and claim 8 is dependent on 7. Thus, in Moore, the "present invention ensures that authentic goods are routed to the correct destination." (col 14 ln 5-10). Also, Moore uses the markings and indicia to determine whether mail pieces are correctly routed, and it follows to route them correctly if they are not. ("correctly routed" col 13 ln 30-41). Then in Hunter, where indicia are used to determine if postage is correct for a class, ( see above, at col 5 ln 43-63), it follows that class is being

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determined. The combination of Hunter and Moore would yield using the mail piece data to determine a service class to establish a priority for the upload of mail piece data and the download of instructions to the outgoing mail processing centers. Also, *KSR* forecloses Appellant's argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

***Tenth Issue***

Appellants argue, regarding claim 6, that nothing in the cited references discloses, teaches or suggests "all the limitations of claim 1" upon which claim 6 is dependent.

For a response to Appellant's argument, see First Issue, above.



**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Cristina Owen Sherr, Art Unit 3685

/ANDREW J. FISCHER/  
Supervisory Patent Examiner, Art Unit 3621

Conferees:

Vincent Millin /VM/

Appeals Conference Specialist

/A.J.F./  
Andrew J. Fischer  
Supervisory Patent Examiner, Art Unit 3621

**09/748,889 APPEAL TABLE** – Claim 1 and Hunter (US 5,280,531) and Moore (US 5,917,925)

Clause No.	Claim 1	Hunter (US 5,280,531)
1	A mail piece verification system for processing a mail piece in a path of travel, the mail piece having associated therewith mail piece data, the system comprising:  an incoming mail processing center for receiving the mail piece and obtaining the mail piece data, the incoming mail processing center including a plurality of mail processing machines that perform automated processing of mail pieces;	“analysis of postal indicia printed by a postage meter” (col 2 ln 6)  “path of travel” = “conventional transport system” (col 2 ln 49)  “postal indicia is scanned by OCR system (col 2 ln 55-60)  “incorporated into . . . facer-cancellers” (col 2 ln 54-55)
2	an outgoing mail processing center located downstream in the	Moore – “the control computer cooperates with a plurality of host computers through

Clause No.	Claim 1	Hunter (US 5,280,531)
	path of travel from the incoming mail processing center, the outgoing mail processing center including a plurality of mail processing machines that perform automated processing of mail pieces; and	a modem” col 10 ln 25-27
3	a data center in operative communication with the incoming mail processing center and the outgoing mail processing center;	Hunter, at column 1, lines 51-68; column 2, lines 3-24; column 3, line 49, through column 4, line 17; column 4, lines 26-42: data center would be wherever the data processing system is located; account files include expenditure file and refill file; data center can hold information corresponding to a plurality of meters.
4	wherein:  the incoming mail processing center uploads the mail piece data to the data center;	See 3 above

Clause No.	Claim 1	Hunter (US 5,280,531)
5	the data center performs a verification check on the mail piece data and downloads instructions based upon the verification check to the outgoing mail processing center; and	<p>Hunter</p> <p>“Tests to determine . . . if ... valid for this system (col 5 ln 50-55) "if . . not recognized . . . diverts mail piece by asserting a control signal (col 5 ln 64-68)</p>
6	the outgoing mail processing center uses the instructions to control operation of at least one of the mail processing machines located at the outgoing mail processing center to process the mail piece.	<p>Hunter</p> <p>“activate diverter mechanism on output” (col 5 ln 68)</p>